

EXHIBIT A

Riedinger, Jerry A. (SEA)

From: Brian McMahon <brian.mcmahon@cojk.com>
Sent: Friday, December 07, 2018 3:51 PM
To: Riedinger, Jerry A. (SEA); John Denkenberger
Cc: Shultz, Mack H. (SEA); Gaston, Mary Z. (SEA); Sanders, James (SEA); Alfonso, Shylah R. (SEA); Mark Bailey; Richard J. Omata; BMBD-6-3764
Subject: RE: Bombardier v. Mitsubishi Aircraft et al, and FW: Interim Confidentiality Agreement

Jerry,

We are not planning to file one, so we are not planning to serve one. Our brief to be filed with the Court today will identify that we have agreed to narrow the scope of relief sought by way of our Motion for Preliminary Injunction, and we believe that to be sufficient.

Best,
Brian

Brian F. McMahon
Member
Christensen O'Connor Johnson Kindness PLLC
1201 Third Avenue, Suite 3600
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From: Riedinger, Jerry A. (Perkins Coie) [mailto:JRiedinger@perkinscoie.com]
Sent: Friday, December 07, 2018 2:12 PM
To: John Denkenberger; Brian McMahon
Cc: Shultz, Mack H. (Perkins Coie); Gaston, Mary Z. (Perkins Coie); Sanders, James (Perkins Coie); Alfonso, Shylah R. (Perkins Coie); Mark Bailey; Richard J. Omata; BMBD-6-3764
Subject: RE: Bombardier v. Mitsubishi Aircraft et al, and FW: Interim Confidentiality Agreement

John, do you plan to serve your revised Proposed Order?

Jerry A. Riedinger | Perkins Coie LLP
1201 Third Avenue Suite 4900
Seattle, WA 98101-3099
Direct 206.359.8664
Cell 425.985.9469
Fax 206.359.9664
Email JRiedinger@perkinscoie.com

From: John Denkenberger <john.denkenberger@cojk.com>
Sent: Friday, December 07, 2018 2:02 PM
To: Riedinger, Jerry A. (SEA) <JRiedinger@perkinscoie.com>; Brian McMahon <brian.mcmahon@cojk.com>
Cc: Shultz, Mack H. (SEA) <MShultz@perkinscoie.com>; Gaston, Mary Z. (SEA) <MGaston@perkinscoie.com>; Sanders, James (SEA) <JSanders@perkinscoie.com>; Alfonso, Shylah R. (SEA) <SAlfonso@perkinscoie.com>; Mark Bailey <mbailey@karrtuttle.com>; Richard J. Omata <ROmata@karrtuttle.com>; BMBD-6-3764 <BMBD-6-3764@cojk.com>
Subject: RE: Bombardier v. Mitsubishi Aircraft et al, and FW: Interim Confidentiality Agreement

All:

We are narrowing the scope of the PI Order to enjoin the served defendants from using, accessing, imitating, copying, disclosing, or making available to any person or entity of (a) the documents identified as Exhibits A-J to the Declaration of Daniel Burns and Exhibit A to the Declaration of David Tidd in Support of Its Motion for a Preliminary Injunction; (b) any information or data contained therein; and/or (c) any information or data derived therefrom. We will not be seeking to enjoin the individuals from working on the certification of the MRJ for the duration of the litigation (we are modifying this aspect of the PI Order on the basis of the recently disclosed position by AEROTEC that it has no other on-going projects).

Thanks,
John
Cell: 206.601.4576

From: Riedinger, Jerry A. (Perkins Coie) [<mailto:JRiedinger@perkinscoie.com>]
Sent: Friday, December 07, 2018 10:47 AM
To: John Denkenberger; Brian McMahon
Cc: Shultz, Mack H. (Perkins Coie); Gaston, Mary Z. (Perkins Coie); Sanders, James (Perkins Coie); Alfonso, Shylah R. (Perkins Coie); Mark Bailey; Richard J. Omata
Subject: Bombardier v. Mitsubishi Aircraft et al, and FW: Interim Confidentiality Agreement

John and Brian,

Please let us know if Bombardier intends to answer the question below. Like you, we will address this issue in the brief we will file with the Court today. Since Bombardier has failed to answer the question, we must assume Bombardier will not narrow the Proposed Order on the Preliminary injunction motion, despite suggesting two weeks ago that it would do so. As we have repeatedly explained to you, the Proposed Order is unreasonably broad, and asks for an injunction against use of documents we have never seen, and against use of documents that have not been even vaguely identified.

Bombardier suggested it might narrow the Proposed Order, thereby narrowing the scope of the Preliminary Injunction motion, in our discussions on November 23. Bombardier sent us the suggested narrower order on November 27. We have repeatedly asked you since then to confirm that Bombardier would narrow the original order, but Bombardier has failed to do so. Mary raised this again in an email yesterday, and I raised it again yesterday in my face-to-face conversation with Brian. Bombardier's continued failure to confirm whether it will or will not narrow the Proposed Order is inexplicable.

Our brief is due today. Since Bombardier has failed to confirm its proposal, our brief addresses the overbroad scope of the original Proposed Order. It also addresses Bombardier's suggestion that it might narrow that Order, and Bombardier's failure confirm or deny its November 23 proposal.

Naturally, I can discuss this with you further, even in a face-to-face discussion.

Regards,

Jerry

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From: Gaston, Mary Z. (SEA)

Sent: Thursday, December 06, 2018 11:57 AM

To: Brian McMahon <brian.mcmahon@cojk.com>; john.denkenberger@cojk.com

Cc: Shultz, Mack H. (SEA) <MShultz@perkinscoie.com>; Riedinger, Jerry A. (SEA) <JRiedinger@perkinscoie.com>; Mark Bailey <mbailey@karrtuttle.com>; Richard J. Omata <ROmata@karrtuttle.com>

Subject: Fwd: Interim Confidentiality Agreement

(Resent with corrected email address)

Dear Brian,

Apologies if I missed an email from you, but I don't see that you or John ever confirmed that the attached proposed order would govern the scope of the pending motion for a preliminary injunction.

Since our brief is due tomorrow on the issues that remain outstanding, I would appreciate if you could provide conformation (or otherwise) on this issue as soon as practicable.

Thanks in advance.

Best regards,

Mary

Begin forwarded message:

From: Brian McMahon <brian.mcmahon@cojk.com>

Date: November 27, 2018 at 7:04:37 PM PST

To: "Gaston, Mary Z. (Perkins Coie)" <MGaston@perkinscoie.com>

Cc: John Denkenberger <john.denkenberger@cojk.com>, Mark Bailey <mbailey@karrtuttle.com>, "Richard J. Omata" <ROmata@karrtuttle.com>, "Shultz, Mack H. (Perkins Coie)" <MShultz@perkinscoie.com>, "Riedinger,

Jerry A. (Perkins Coie)" <JRiedinger@perkinscoie.com>, "Alfonso, Shylah R. (Perkins Coie)" <SAlfonso@perkinscoie.com>, "Sanders, James (Perkins Coie)" <JSanders@perkinscoie.com>, "Starr, June (Perkins Coie)" <JStarr@perkinscoie.com>

Subject: RE: Interim Confidentiality Agreement

Mary,

As to your two questions regarding the amended proposed order:

1. I believe it was our intent that the scope of relief sought would be governed by the proposed order, but John or I will confirm or correct that tomorrow morning.
2. We did inadvertently leave Mr. Delarche's name on page 1; thank you for catching that. Attached is a corrected draft.

As for the modifications to the Stipulated Motion, we fully expect to get that to you well in advance of tomorrow's 1:00 pm meet-and-confer (with the understanding that the 1:00 pm designation for the meet-and-confer is subject to Mark and/or Rick's confirmation).

Thanks again,

Brian

Brian F. McMahon

Member

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From: Gaston, Mary Z. (Perkins Coie) [<mailto:MGaston@perkinscoie.com>]

Sent: Tuesday, November 27, 2018 6:40 PM

To: Brian McMahon

Cc: John Denkenberger; Mark Bailey; Richard J. Omata; Shultz, Mack H. (Perkins Coie); Riedinger, Jerry A. (Perkins Coie); Alfonso, Shylah R. (Perkins Coie); Sanders, James (Perkins Coie); Starr, June (Perkins Coie)
Subject: RE: Interim Confidentiality Agreement

Dear Brian,

Thank you for the update and the draft of the amended preliminary injunction order. Two questions on the revised order: First, we assume but did not confirm with you that Bombardier will agree that the scope of the revised proposed order will govern your motion and the relief requested in it, rather than any language to the contrary that is set forth in your motion or support declaration. Presumably, we could advise the Court of that agreement at the scheduling conference or otherwise. Please confirm.

Second, we assume that you inadvertently left Delarche's name on page 1 of the revised order. If that is correct, could you send a second revised proposed order with his name deleted from page one.

Regarding the meet and confer, we are available at 1:00, and will meet at your office assuming that time works with Mark and Rick. To be efficient it would be helpful to have your tweaks to the Stipulated Motion prior to meeting.

Best regards,

Mary

Mary Gaston | Perkins Coie LLP

PARTNER

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E. MGaston@perkinscoie.com

From: Brian McMahon <brian.mcmahon@cojk.com>
Sent: Tuesday, November 27, 2018 6:30 PM
To: Gaston, Mary Z. (SEA) <MGaston@perkinscoie.com>
Cc: John Denkenberger <john.denkenberger@cojk.com>; Mark Bailey <m Bailey@karrtuttle.com>; Richard J. Omata <ROmata@karrtuttle.com>; Shultz, Mack H. (SEA) <MShultz@perkinscoie.com>; Riedinger, Jerry A. (SEA) <JRiedinger@perkinscoie.com>; Alfonso, Shylah R. (SEA) <SAfonso@perkinscoie.com>; Sanders, James (SEA) <JSanders@perkinscoie.com>; Starr, June (SEA) <JStarr@perkinscoie.com>
Subject: RE: Interim Confidentiality Agreement

Mary,

I don't think we'll be able to get any other revisions to you tonight on the other documents, but we will get those to you early tomorrow morning. Currently we're contemplating only minor tweaks to the Rule 16 motion; we don't anticipate any issues getting that filed tomorrow. The issues on the interim protective order may prove more problematic, so we think a meet and confer tomorrow makes sense.

Unfortunately neither John nor I can be available tomorrow until the afternoon. We can be available at any time after 1:00 pm if that works for MITAC America and the AeroTEC defendants. We can also host the meeting here at COJK if that works for all planning to attend. Just let us know.

As for the stipulated notice regarding the extension until December 21; I apologize for not putting that authorization in writing sooner. You have our permission to file.

Thanks very much,

Brian

Brian F. McMahon

Member

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From: Gaston, Mary Z. (Perkins Coie) [<mailto:MGaston@perkinscoie.com>]
Sent: Tuesday, November 27, 2018 5:42 PM
To: Brian McMahon
Cc: John Denkenberger; Mark Bailey; Richard J. Omata; Shultz, Mack H. (Perkins Coie); Riedinger, Jerry A. (Perkins Coie); Alfonso, Shylah R. (Perkins Coie); Sanders, James (Perkins Coie); Starr, June (Perkins Coie)
Subject: Re: Interim Confidentiality Agreement

Thank you Brian.

Assuming we get any other revisions from you tonight on the other documents, should we schedule a meet and confer for tomorrow morning to identify any remaining issues for the Court? Let us know of some options for time.

Also, I understood from our last meet and confer that we had your permission to file the stipulated notice advising the court of the extension to respond to the complaint. Could you confirm that by email so that I can get that filed.

Thank you,

Mary

On Nov 27, 2018, at 9:43 AM, Brian McMahon <brian.mcmahon@cojk.com> wrote:

Counsel:

Please see the attached, and please contact us with any questions.

Thanks very much,

Brian

Brian F. McMahon

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From: Gaston, Mary Z. (Perkins Coie)
[<mailto:MGaston@perkinscoie.com>]
Sent: Monday, November 26, 2018 7:29 PM
To: John Denkenberger; Brian McMahon; Mark Bailey; Richard J. Omata
Cc: Shultz, Mack H. (Perkins Coie); Riedinger, Jerry A. (Perkins Coie); Alfonso, Shylah R. (Perkins Coie); Sanders, James (Perkins Coie)
Subject: Interim Confidentiality Agreement

Counsel,

Pursuant to the agreement reached at the meet and confer last Friday afternoon, I have attached the interim confidentiality agreement revised to address the concerns raised on Friday. I understand that you will make additional changes to the document to address the concerns raised by MITAC, and will recirculate.

I will also be circulating a draft Stipulated Motion for Scheduling Conference as promised later this evening.

We look forward to receiving from you the amended Proposed Order on the PI this evening, as agreed.

Best regards, Mary

Mary Gaston | Perkins Coie LLP

PARTNER

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<3764Amended Proposed Order for Preliminary Injunction.docx>

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